

## MEMORANDUM

Agenda Item No. 11(A)(22)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

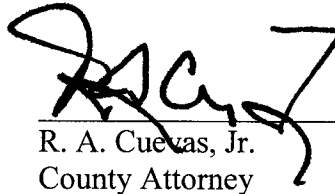
**DATE:** September 4, 2007

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution relating to the  
installation of guardrails along  
bodies of water and in roadway  
medians in Miami-Dade County

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The accompanying resolution was prepared and placed on the agenda at the request of Senator Javier D. Souto.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

**DATE:** September 4, 2007

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(22)

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing

\_\_\_\_\_ Housekeeping item (no policy decision required)

\_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 11(A) (22)

09-04-07

RESOLUTION NO. \_\_\_\_\_

RESOLUTION COMMENDING THE GOVERNOR, MEMBERS  
OF THE FLORIDA LEGISLATURE, THE FLORIDA  
DEPARTMENT OF TRANSPORTATION, AND THE MIAMI-  
DADE EXPRESSWAY AUTHORITY FOR PROVIDING FOR  
THE INSTALLATION OF GUARDRAILS ALONG BODIES OF  
WATER AND IN ROADWAY MEDIANS IN MIAMI-DADE  
COUNTY, FLORIDA

**WHEREAS**, on April 20, 2001, the Board of County Commissioners adopted Resolution No. 380-01 sponsored by Commissioner Dorrin D. Rolle directing the County Manager to conduct a feasibility study for the placement of barriers along roadways adjacent to canals, lakes and other bodies of water owned and maintained by the County for the purposes of preventing vehicles from accidentally entering the water; and

**WHEREAS**, on July of 2001, former County Manager Steve Shiver, responded to Commissioner Rolle's resolution explaining that the Public Works Department had determined that there was over \$12 million in guardrails needed Countywide to safely protect our motorist from our vulnerable waterways and proposed a ten-year program with an annual funding allocation of \$864,000.00; and

**WHEREAS**, in 2001 following the "No Name Storm" that caused canals like the Tamiami Canal and the Snapper Creek Canal to overflow onto the streets, Sen. Javier D. Souto earmarked funding for installing guardrails to protect motorists traveling near the Snapper Creek Canal; and

**WHEREAS**, in 2004, Commissioner Souto designated guardrails as a top priority in Commission District 10 and began working with the Public Works Department earmarking District 10 QNIP and PTP funding totaling over \$800,000.00 to date to install guardrails to protect every road in Commission District 10 that abutted a canal, pond or lake and was vulnerable to an accidental motorist drowning; and

**WHEREAS**, on May 11, 2004, the Board of County Commissioners adopted Resolution No. 647-04 sponsored by Commissioner Dennis C. Moss urging the Florida Department of Transportation to place guardrails along state roads in Miami-Dade County abutting or adjacent to canals and other waterways and further directing the County Manager to determine the feasibility of placing guardrails and/or other protective devices along County roads abutting or adjacent to canals or other waterways; and

**WHEREAS**, on May 3, 2005, the Board of County Commissioners adopted Resolution No. 509-05 sponsored by the Public Works Department under Director Esther Calas to approve a contract award of \$1,000,000.00 through the People's Transportation Program as part of a program approved by the Board of County Commissioners to install guardrails throughout Miami-Dade County; and

**WHEREAS**, on December 6, 2005, the Board of County Commissioners adopted Resolution No. 1365-05 sponsored by Sen. Javier D. Souto and again on December 19, 2006, the Board of County Commissioners adopted Resolution No. 1453-06 urging the Florida Legislature, the Department of Transportation, Florida's Turnpike Authority, the South Florida Water Management District and other pertinent state departments to install guardrails on highways and roads running parallel to canals throughout the State of Florida, particularly along heavily traveled routes in Miami-Dade County to prevent accidental drownings and in medians on

expressways in most areas to prevent head on collisions and further directing our lobbying team to advocate for the passage of legislation to implement this as part of our legislative priorities; and

**WHEREAS**, on May 8, 2006, the Board of County Commissioners adopted Resolution No. 692-06 sponsored by the Public Works Department under Director Esther Calas to approve a contract award of \$906,000.00 through the People's Transportation Program as part of a program approved by the Board of County Commissioners to install guardrails throughout Miami-Dade County; and

**WHEREAS**, in the 2006 Session of the Florida Legislature , State Representative Yolly Robertson and State Senator Larcenia Bullard sponsored legislation which was adopted by the Florida House of Representatives and by the Florida Senate as HB 959, initiating a pilot program in Miami-Dade County to provide guardrails along canals and medians; and

**WHEREAS**, on June 22, 2006, Governor Jeb Bush vetoed this bill because it had become a train bill and other objectionable legislation had been attached to the bill, but committed to move forward with the intent of the guardrail legislation and install guardrails along bodies of waters and in medians on highways throughout South Florida; and

**WHEREAS**, the Florida Turnpike Authority has begun a project of installing guardrails and bollards with cable systems throughout the Florida Turnpike along the shoulders abutting canals to prevent motorists falling into these canals and in the medians to prevent head-on collisions; and

**WHEREAS**, the Florida Turnpike Authority has commenced the project of canal barriers from the southern most point in South Dade and they are moving north through the State; and

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**WHEREAS**, the Miami-Dade County Expressway Authority has also been installing guardrails throughout the system as part of their expansion projects,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

**Section 1.** Commends Governor Charlie Crist, State Representative Yolly Robertson, State Senator Larcenia Bullard, the Florida Legislature, the Florida Department of Transportation, Florida's Turnpike Enterprise, and the Miami-Dade Expressway Authority for their commitment to install guardrails on highways and roads running parallel to canals and other waterways, particularly along heavily-traveled routes and in expressway medians to protect the motoring public from accidental drowning accidents and from head on collisions.

**Section 2.** Directs the Clerk of the Board to transmit copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and members of the Miami-Dade State Legislative Delegation, the Secretary of the Florida Department of Transportation, the executive director of Florida's Turnpike Enterprise, and the Miami-Dade Expressway Authority.

The foregoing resolution was sponsored by Sen. Javier D. Souto and offered by  
Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by  
Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of September, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Thomas Goldstein